PROCEEDINGS OF THE TRAVANCORE-COCHIN LEGISLATIVE ASSEMBLY

FIRST SESSION—1950

Monday, *the 17th April 1950*

Vol. I] **OFFICIAL REPORT** **[No. 29**

The Assembly met in the Legislative Chamber, Public Offices, Trivandrum, at 11 of the clock on Monday, the 17th April 1950, with Mr. Speaker (Sri. T. M. Varghese) in the Chair.

POINT OF ORDER

Sri. M. I. Paul: Sir, I rise to point of order. I raise this with the sole intention of creating healthy parliamentary conventions in this House, for which I want the benevolence and mercy of the Hon'ble Speaker. In Erskin May's Parliamentary Practice.....

Mr. Speaker: First, the member may state the point of order. Any elucidation, if necessary, may then be allowed.

Sri. M. I. Paul: Sir the question is whether rulings can be given by the Hon'ble Speaker either standing or sitting. According to the Parliamentary procedure: 'When the Speaker rises to preserve order and give a ruling on a doubtful point, he must be heard in silence, and no member should stand when the Speaker is on his feet,"

Mr. Speaker: The member will please state the point on which a ruling is desired.

Sri. M. I. Paul: Sir, my point is whether the Speaker is in order in giving a ruling either by sitting or standing.

Mr Speaker: In the first place that is a hypothetical question. No occasion has hitherto arisen in this House when a Speaker gave his ruling except in a standing posture. Every casual utterance or remark proceeding from the Speaker, such as his calling a member to put his question or asking him to speak does not, however, constitute a ruling by the Speaker.

Sri. M. I. Paul: Sir, ...

Mr. Speaker: This matter is not allowed to be discussed any further.

Sri. M. I. Paul: Sir, I rise to a point of order.

Mr. Speaker: Yes. I may, however, inform the Hon'ble Member that when further discussion on a matter is disallowed it will not be quite in form to indirectly take up the matter again by raising a point of order. Previous instances of the kind have occasionally come to the Chair. Hence this observation. The member will please raise his point of order.

Sri. M. I. Paul: The other day I raised a point of order, whether the Speaker can give a ruling either by sitting or standing. The ruling was given by the Hon'ble Speaker that I cannot question the right or privilege of the Speaker. In doing so, I was punished by asking me to apologise.

Mr. Speaker: The member is making an incorrect statement. The member seated in his seat was making statements. It was that conduct on the part of the Hon'ble member that called for action.

Sri. P. Balakrishnan Tampi: I rise to a point of order touching on the privilege of the House. I respectfully submit that the power of the Chair is only to ask the member to withdraw from the House and not to apologise. Under Rule 14, the power of the Speaker is only to direct a member to withdraw from the House for disorderly conduct or misbehaviour.

Mr. Speaker: That matter is not now before the House. For disorderly conduct, a member may no doubt be asked to withdraw from the House for the remaining part of the day, in the first instance, and for the remaining part of the session, for the second time. But it is not imperative that that remedy should necessarily be resorted to always.

Sri. M. I. Paul: Sir, I was punished on two occasions. First I was speaking sitting, for which I was asked to apologise. On another occasion I raised a point of order as to the propriety of the Speaker giving a ruling sitting. In that case, I was punished by asking me to apologise for what I have stated.

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Mr. Speaker: The discussion is digressing far away from the scope of the point of order raised by the member. The Hon'ble member's conduct on a previous occasion and how it was dealt with are not matters now before the House.

Sri. M. I. Paul: I want to ascertain a fact.

Mr. Speaker: Facts which have a bearing on matters before the House can only be ascertained.

LEGISLATIVE BUSINESS

The Industrial Disputes Bill

Clause 1

വിദ്യാഭ്യാസവും, തൊഴിലും, ഭക്ഷ്യവകുപ്പും മന്ത്രി (ശ്രീ. പനമ്പിള്ളി ഗോവിന്ദമേനോൻ:) സർ, ഒന്നാമത്തെ ഭേദഗതി ഈ ബില്ല് ഇന്ന പാസാക്കാൻ കഴിഞ്ഞില്ലെങ്കിൽ മാത്രം ആവശ്യമുള്ള ഒന്നാണ്. ഇൻഡസ്ട്രിയൽ ഡിസ്പ്യൂട്സ് ആക്ടനുസരിച്ച് ഇന്നിവിടെ മുന്ന ഇൻഡസ്ട്രിയൽ ട്രൈബ്യൂണലുകൾ പ്രവത്തനം നടത്തുന്നുണ്ട്. ഈ ബില്ല് ഇന്നതന്നെ പാസ്സായി നിയമമാകുന്നില്ലെങ്കിൽ ആ ട്രൈബ്യൂണലുകൾക്ക് അടിസ്ഥാനമില്ലാതെ വരുമല്ലൊ എന്ന കരുതിയാണ് ഈ ഭേദഗതി ഹാജരാക്കിയിട്ടുള്ളത്. ഈ ബിൽ ഇന്നതന്നെ പാസ്സാകുകയാണെങ്കിൽ അതിന്റെ ആവശ്യമില്ല. അതുകൊണ്ട് ആവശ്യമാണെങ്കിൽ ഈ ഭേദഗതി ബില്ലിന്റെ മൂന്നാം വായനസമയത്തു അവതരിപ്പിക്കാമെന്നാണുദ്ദേശിക്കുന്നത്.

Sri. K. P. Nilakanta Pillai: There is an Act (XIV) of 1947 passed by the Central Government and I understand, I am subject to correction that an amendment has been moved in the Central Legislative that it applies throughout India. If that be so, I want to know from the Hon'ble Member whether there is any use in the present Bill.

ശ്രീ. പനമ്പിള്ളി ഗോവിന്ദമേനോൻ: അങ്ങനെ ഒരു ഭേദഗതി മൂവ് ചെയ്യുന്നുണ്ടെന്നുകേട്ടു. എന്നാൽ അതു പാസ്സായോ എന്നറിഞ്ഞുകൂടാ.

Sri. K. P. Nilakanta Pillai: I heard that the amendment has been passed that the Act will apply throughout India.

ശ്രീ. പനമ്പിള്ളി ഗോവിന്ദമേനോൻ: അതു പാസ്സായാൽ ഇവിടെയും നടപ്പിൽ വരും. എന്നാൽ പാസ്സായില്ലെങ്കിൽ ഇടയ്ക്കു കുറച്ചുസമയത്തേക്കു നിയമമൊന്നുമില്ലാത്ത ഒരവസ്ഥയുണ്ടാകും. അതു വരുത്തെന്നകരുതിയാണ് ഈ ബിൽ ഇവിടെ പാസാക്കണമെന്നുദ്ദേശിച്ചിട്ടുള്ളത്.

Sri. K. P. Nilakanta Pillai: May I know whether he is sure that it has not been passed?

ശ്രീ. പനമ്പിള്ളി ഗോവിന്ദമേനോൻ: അതു നല്ല നിശ്ചയമില്ല. പാസ്സായിട്ടില്ലെന്നാണ് അറിവു്.

Sri. K. P. Nilakanta Pillai: I heard that it has been passed and is in force throughout India.

Mr. Speaker: As the Hon'ble Minister has stated that the amendment to this clause given notice of by him will become necessary only if the Bill is not passed today, I think it may be postponed for consideration at the end.

Clause 2.

Sri. A. K. Patchu Pillai: Sir, I Move:

"In clause 2, sub-clause (g), delete 'or' after 'Tribunal', in line 4 and substitute 'nor' and delete in the same line, the words 'with any industry affected by such dispute' and substitute 'having any interest in any industry affected by such disputed"

എന്റെ ഭേദഗതിയനുസരിച്ചു ഇതിലെ 'ഇൻഡിപ്പെൻഡന്റ്' എന്ന വാക്കിന്റെ സ്ഥിരവചനം "unconnected with the iudustrial dispute referred to such Board, Court or Tribunal nor having any interest in any industry affected by such dispute" എന്നാകുന്നതാണ്. ഈ ഭേദഗതിയുടെ ആവശ്യമെന്താണെന്നു ഞാനൊന്നു വിശദമാക്കാം. ഏതെങ്കിലും ഒരു തൊഴിൽതക്കം ഉണ്ടാകുന്നതായ അവസരത്തിൽ അതിനെ സംബന്ധിച്ചു തീരുമാനിക്കുന്നതിനായിട്ടുണ്ടു പല ഉപാധികളും സ്ഥീകരിച്ചിട്ടുണ്ട്. ആ ഉപാധികളനുസരിച്ചു ഈ ബില്ലിൽ ആറും ഏഴും വകുപ്പുകൾ പ്രകാരമുള്ള നിയമനങ്ങളിലേക്കാണ് സ്വതന്ത്രരായ, ആളു

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